



✓ *JFW*  
*SJB*

Attorney's Docket No. PP00693.104 (035784/258145)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Maiorella *et al.*

Confirmation No.: 9747

Appl. No.: 09/867,948 ✓

Group Art Unit: 1653

Filed: May 30, 2001

Examiner: Samuel W. Liu

For: METHOD OF INCREASING PRODUCT EXPRESSION  
THROUGH SOLUTE STRESS

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUBMISSION OF TERMINAL DISCLAIMER  
UNDER 37 C.F.R. §1.321(c)**

Applicants hereby submit the enclosed Terminal Disclaimer Under 37 C.F.R. §1.321(c) for the above-referenced application. This Terminal Disclaimer is filed to supplement the Terminal Disclaimer filed in this application on January 29, 2003, and to include the complete chain of title whereby Assignee became the owner of all right, title, and interest in the above-referenced application.

The earlier filed Terminal Disclaimer listed ownership as deriving from an Assignment filed November 28, 1989, recorded at Reel 5191, Frame 0228, wherein Cetus Corporation, Emeryville, California, is listed as Assignee. The present Terminal Disclaimer completes the chain of title, whereby a second Assignment recorded on October 31, 1996 at Reel 8209, Frame 0087, lists Chiron Corporation, Emeryville, California, as Assignee, by virtue of a merger agreement between Cetus Oncology Corporation (formerly Cetus Corporation) and Chiron Corporation.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Mail Stop \_\_\_\_\_, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this \_\_\_\_\_ day of May, 2005.  
*[Signature]*

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Also enclosed is a check in the amount of \$130.00 for a large entity [37 C.F.R. § 1.20(d)] to cover the fee for filing a Terminal Disclaimer. The Examiner is authorized to charge Deposit Account No. 03-1664 for any additional fee that may be required or credit any overpayment.

Respectfully submitted,

By: Lisa Alexander  
Lisa E. Alexander  
Attorney for Applicants  
Reg. No. 41,576

April 11, 2005

CHIRON CORPORATION  
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Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(c)

Sir:

The disclaimant, Chiron Corporation, having a principal place of business at 4560 Horton Street, Emeryville, CA 94608-2916, verifies through its duly authorized representative that it is the owner of all right, title, and interest in the above-identified application, by an Assignment filed November 28, 1989, recorded at Reel 5191, Frame 0228, and an Assignment recorded on October 31, 1996, at Reel 8209, Frame 0087.

The disclaimant hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of United States Patent No. 6,238,891, issued May 29, 2001, entitled *Method of Increasing Product Expression Through Solute Stress*, which patent was assigned to the above-identified disclaimant by an Assignment filed November 28, 1989, recorded at Reel 5191, Frame 0228, and an Assignment recorded on October 31, 1996, at Reel 8209, Frame 0087.

Disclaimant further agrees that any patent so granted on the above-identified application, which is the subject of this disclaimer, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,238,891, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Nothing herein shall be construed as a disclaimer of any terminal part of any patent granted on the above-identified application which is prior to the expiration of the full statutory term of U.S. Patent No. 6,238,891 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

I, Lisa E. Alexander, represent that I am an Assistant Secretary of Chiron Corporation and am authorized to execute this disclaimer on behalf of Chiron Corporation. I further declare that the evidentiary documents of ownership have been reviewed, and I certify that to the best of disclaimant's knowledge and belief, title is in the disclaimant seeking to take action.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

By: Lisa Alexander  
Lisa E. Alexander  
Assistant Secretary  
Chiron Corporation

April 11, 2005

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Intellectual Property - R440  
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